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Drawing Amendments

There are no amendments to the drawings.

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Remarks

This a full and timely response to the outstanding Final Office Action mailed on 09/08/2006. Claims 1, 2, 4, 6-8, 10-24, 26, 28-30, 32-46, 48, 50-52, and 54-60, were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0198461 of D.J. Coombes (hereafter referred to as Coombes) in view of U.S. Patent Application Publication No. 2003/0061354 of F.M. Burg et al. (hereafter referred to as Burg). In addition, claims 3, 25, and 47, were rejected under 35 U.S.C. §102(e) as unpatentable over U.S. Patent Application Publication No. 2005/0096023 of D.J. Moore (hereafter referred to as Moore). Finally, claims 61-63 were rejected under 35 U.S.C. §103(a) as unpatentable over Moore in view of Burg. No claims are being canceled. Claims 1, 3, 12, 23, 25, 34, 45, and 47, are being amended.

Rejection of Claims 1, 2, 4, 6-8, 10, 11, 23, 24, 26, 28-30, 32, 33, 44-46, 48, 50-52, and 54-60 under 35 U.S.C. §103(a) over Coombes in view of Burg

Claim 1 recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:
answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;
muting an audio path of the answered call from communication with the user;

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receiving a time specifying the delay from the user after the incoming call is received and while the telecommunication terminal is not engaged in another call;

inserting the time into a predefined message; and
transmitting the predefined message that is selected by the user to the calling party.

The Office Action states that the step of "receiving a time specifying the delay from the user after the incoming call is received and while the telecommunication terminal is not engaged in another call" is not disclosed or suggested by Coombes but states that Burg does teach this step. Applicant respectfully traverses this assertion. The Office Action states "further, Burg teaches receiving a time specifying the delay from the user after the incoming call is received". Burg does not teach or disclose receiving a time specifying delay from the user while the telecommunication terminal is not engaged in another call since Burg teaches that it is software within a call center that determines a time delay caused by the agents of the call center being too busy. It is this software that determines the time delay that is transmitted to the calling customer. Note, that Burg only transmits this delay to a calling customer when the call center has no agents available to answer the calling customer not when the agents are not engaged in other calls. However, the telecommunication terminal of amended claim 1 is not engaged in the call. In Burg, there is no disclosure that the time delay information delay information is transferred to a customer when a telecommunication terminal is not engaged in the call. Further, Burg is not responsive to a specific

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telecommunication terminal but rather is responsive to the status of call center agents. The Office Action cites Paragraphs [0034], [0080-0081] and [0088] as disclosing receiving time delay information from a user.

There is no disclosure or suggestion of receiving a time specifying the delay from the user after the incoming call is received in the above cited text. Applicant would appreciate it if the Examiner would explain where such a disclosure or suggestion is found in the cited text.

Applicant respectfully submits that amended claim 1 is patentable under 35 U.S.C. §103(a) in view of the cited art.

Dependent claims 2, 4, 6, 7, 8, 10, 11 and 60 are directly or indirectly dependent on amended claim 1 and are patentable for at least the same reasons as set forth with respect to amended claim 1.

Independent amended claim 23 and dependent claims 24, 26, and 28-30, and independent amended claim 45 and dependent claims 46, 48, 50-52 and 54, are patentable for at least the same reasons as claims 1, 2, 4, 6, 7, 8, 10, 11.

Rejection of Claims 12-22, and 34-44 under 35 U.S.C. §103(a) over Coombes in view of Burg

Amended claim 12 recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called wireless handset, comprising the steps of:

answering the incoming call by the wireless handset in response to a predefined amount of movement of the user as

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detected by the wireless handset when the telecommunication terminal is not engaged in another call;
muting an audio path of the answered call from communication with the user; and
transmitting a message that is selected by the user to the calling party.

Support for the amendment to claim 12 may be found in the paragraph starting at line 18, page 6, and the paragraph starting at line 19, page 7.

The rejection of claim 12 is respectfully traversed. Amended claim 12 recites in part "answering the incoming call by the wireless handset in response to a predefined amount of movement of the user as detected by the wireless handset...." Coombes and Burg do not disclose or suggest singularly or in combination the answering of an incoming call upon a predefined amount of movement of the user being detected by the handset.

Applicant respectfully submits that amended claim 12 is patentable under 35 U.S.C. §103(a) over the cited references.

Dependent claims 13-18 are directly or indirectly dependent on amended claim 12 and are patentable for at least the same reasons as amended claim 12.

Claims 34-44 are patentable for the same reasons as claims 12-22.

Claim 56 is patentable for the same reasons as claim 12.

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Rejection of Claims 3, 25, and 47 under 35 U.S.C. §102(e) as
being anticipated by Moore

Claim 3 recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:
answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;
muting an audio path of the answered call from communication with the user;
transmitting a message that is selected by the user to the calling party; and
terminating the incoming call by the called telecommunication terminal without additional input from the user or a calling party after transmission of the message.

Support for the amendment to claim 3 may be found in the paragraph starting at line 7, page 9.

Amended claim 3 clearly recites that the incoming call is terminated by the called telecommunication terminal without additional input from the user or a calling party After transmission of the message to the calling party.

The Office Action asserts that Moore discloses this step and states "terminating the incoming call after transmission of the message (Figure 3, step 335 and end. Which all above imitation is described in teach in paragraphs [0003-0007])."

Applicant respectfully disagrees with this statement. First, consider the operations illustrated in Fig. 3 of Moore. Block 335 indeed does transmit a message to the calling party as is described in paragraph [0025]. However, after execution of block 335, the next block executed is not the "end" block as is

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implied in the statement of the Office Action. Rather, the "end" block is finally executed either after the execution of blocks 340 and 315 or the execution of blocks 340-355. The operation of these blocks is now described in detail in the following paragraphs and will clearly show that the incoming call is not terminated by the telecommunication terminal without additional input from the user or calling party after transmission of the message.

After execution of block 335, decision block 340 determines if the user wants to pickup the call. If the answer is yes, block 315 connects the call to the user, and either the user or the calling party will eventually terminate the call resulting in the "end" block being executed. Clearly, this set of operations does not disclose the recited step of terminating of amended claim 3.

The second way that the "end" block may be reached is as follows. After execution of block 335, decision block 340 again determines if the user wants to pickup the call. If the answer is no, decision block 345 determines if the calling party wants to select one of the options available to the calling party after they have been placed on hold by the user of the called telecommunication terminal. If the answer is yes in decision block 345, block 350 determines the desired option selected by the calling party (transfer to the user's voice mail is the only option listed), and block 355 executes the selected option before transferring control to the "end" block. Clearly, this set of

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operations also does not disclose the recited step of terminating of amended claim 3. These operations do not disclose or suggest this step of terminating as recited in amended claim 3 since these operations are caused by the actions of the calling party.

Second, with respect to the text cited by the Office Action in paragraphs [0003]-[0007], applicant has carefully studied the cited paragraphs and finds no disclosure or suggestion of the step of terminating as recited in amended claim 3. Applicant respectfully requests that the Examiner in the next Office Action specifically point out where in the cited paragraphs the step of terminating as recited in amended claim 3 is disclosed or suggested.

Applicant respectfully submits that amended claim 3 is patentable under 35 U.S.C. 102(e) over the cited art.

Applicant respectfully submits that amended claims 25 and 47 are patentable for at least the same reasons as amended claim 3.

Rejection of Dependent Claims 61-63 under 35 U.S.C. §103(a) over Moore in view of Burg

Since Burg was only cited for teaching that the message of amended claim 3 was a predefined message and that the time received from the user was inserted into this predefined message, amended claim 3 is patentable over Moore in view of Burg under 35 U.S.C. §103 (a). Amended claims 25 and 47 are patentable for the same reasons as

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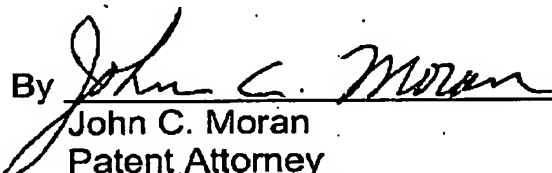
amended claim 3. Dependent claims 61, 62, and 63 are directly dependent on amended claims 3, 25, and 47, respectively, and are patentable for at least the same reasons as their respective independent claims.

Summary

In view of the foregoing, applicant respectfully requests consideration of claims 1, 3, 12, 23, 25, 34, 45, and 47, as amended, and reconsideration of the remaining claims as presently in the application, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicant's attorney at the telephone number listed below.

Respectfully,
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By 
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